

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PEDRO CASTILLO,

Plaintiff,

-against-

CORRECTION OFFICER R.C. SNEDEKER
D. VENETTOZZI, DIRECTOR - S.H.U.
C.H.O. HENLEY

COMPLAINT

Under the Civil Rights Act,
42 U.S.C. § 1983

Jury Trial: Yes [] No
(check one)

Defendants.

I. Parties in this complaint:

A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff's Name: PEDRO CASTILLO

ID#: 93A1393

Current Institution: Sing Sing Correctional Facility

Address: 354 Hunter Street, Ossining, New York 10562

B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 CORRECTION OFFICER R.C. SNEDEKER
GREEN HAVEN CORRECTIONAL FACILITY
P.O. Box 4000
STORMVILLE, N.Y. 12582

Defendant No. 2 D. VENETTOZZI - DIRECTOR OF S.H.U.
STATE OFFICE CAMPUS - BLDG # 2
1220 WASHINGTON AVENUE
ALBANY, N.Y. 12226

Defendant No. 3 COMMISSIONER'S HEARING OFFICER HENLEY
STATE OFFICE CAMPUS - BLDG # 2
1220 WASHINGTON AVENUE
ALBANY, N.Y. 12226

Defendant No. 4

Defendant No. 5

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?

GREEN HAVEN C.F. UPSTATE C.F. & GREAT MEADOW C.F.
VIOLATION OF DUE PROCESS & WRONGFUL CONFINEMENT IN SH.U.

B. Where in the institution did the events giving rise to your claim(s) occur?

TIER HEARING ROOM(S) AND CONFINEMENT IN S.H.U. (s)

C. What date and approximate time did the events giving rise to your claim(s) occur?

ON DECEMBER 17, 2015, THROUGHOUT AND TO APRIL 16, 2016
THE SH.U. TIME WAS SERVED AT BOTH GREEN HAVEN C.F. AND
UPSTATE C.F.

D. Facts: ON DECEMBER 17, 2015, C.O. SNEDEKER FABRICATED A FALSE MISBEHAVIOR REPORT AGAINST ME. AS A RESULT I WAS PLACED IN GREEN HAVEN SHU. A HEARING WAS HELD, AND I WAS FOUND GUILTY OF RULE VIOLATIONS 113.10 WEAPON; 113.11 ALTERED ITEM; 113.23 CONTRABAND. AN APPEAL WAS FILED, AND ON MARCH 30, 2016, DEFENDANT'S AFFIRMED THE DISPOSITION. THEREAFTER, A CPLR ARTICLE 78 WAS FILED, AND THE COURT REVERSED THE DEFENDANT'S DISPOSITION, ORDERED A NEW HEARING FOR: RULE 113.10 WEAPON; 113.11 ALTERED ITEM; AND DISMISSED RULE VIOLATION 113.23, CONTRABAND. (120 DAYS SHU SERVED AT GREEN HAVEN & UPSTATE)
ON FEBRUARY 15, 2018, A REHEARING WAS COMPLETED AT THE GREAT MEADOW C.F. PLAINTIFF AGAIN WAS FOUND GUILTY BY C.H.O. HENLEY, AND THE SAME DISPOSITION WAS IMPOSED. A SECOND APPEAL WAS FILED, AGAIN STATING THE SAME DUE PROCESS VIOLATIONS, AND ON JUNE 28, 2018, DEFENDANT VENETTOZZI AFFIRMED THE DISPOSITION.

PLAINTIFF THEN FILED A SECOND CPLR ARTICLE 78 AND, ON FEBRUARY 27, 2019, NYS ASSISTANT SOLICITOR GENERAL ADVISED DIRECTOR D. VENETTOZZI TO REVERSE THE DISPOSITION RENDERED ON FEBRUARY 15, 2018, AT THE GREAT MEADOW CORRECTIONAL FACILITY. SAID SECOND CPLR ARTICLE 78 AGAIN RAISED VIOLATION OF DUE PROCESS, WHICH LED TO THE ILLEGAL AND WRONGFUL CONFINEMENT THAT IS THE SUBJECT OF THIS INSTANT COMPLAINT?

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

ILLEGALLY AND WRONGFULLY CONFINED TO THE SPECIAL HOUSING UNIT(S) AT GREEN HAVEN C.F. AND UPSTATE C.F. IN VIOLATION OF MINIMUM DUE PROCESS.

SINCE THAT TIME, PLAINTIFF SUFFERS FROM PSYCHOLOGICAL AND EMOTIONAL DISORDERS, ESTRANGED FROM FAMILY, AND SEVERE BOUTS OF ANXIETY AND PANIC ATTACKS.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act (“PLRA”), 42 U.S.C. § 1997e(a), requires that “[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.” Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes No

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

GREEN HAVEN CORRECTIONAL FACILITY
UPSTATE CORRECTIONAL FACILITY
GREAT MEADOW CORRECTIONAL FACILITY

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes No Do Not Know (GRIEVANCE PROCESS DOES NOT APPLY)

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes No Do Not Know TIER III HEARINGS HAVE A DIFFERENT APPEAL PROCESS.

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes X No _____

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes X No _____

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?
APPEAL

ADMIN. APPEAL - DIR. OF SHU. 1220 WASHINGTON AVE. ALBANY, N.Y. 12226

1. Which claim(s) in this complaint did you grieve?
APPEAL

DENIAL OF DUE PROCESS DURING SUPERINTENDENT'S HEARING
WRONGFUL CONFINEMENT TO A SPECIAL HOUSING UNIT.

2. What was the result, if any?

MARCH 30, 2016 AFFIRMED

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process.

FILED AN CPLR ARTICLE 78 PETITION. THE COURT REVERSED THE TIER
TIER HEARING HELD ON 2-29-16, ORDERED A REHEARING FOR RULE 113.10
WEAPON; & 113.11 ALTERED ITEM; DISMISSING 113.23 CONTRABAND -
DEFENDANTS ORDERED A NEW HEARING ON 11-27-17

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

A DISCIPLINARY AND SUPERINTENDENT'S HEARING DISPOSITION
IS NOT SUBJECT TO THE INMATE GRIEVANCE PROCESS -
THE HEARING AND ACTIONS OF EMPLOYEES COMPLAINED OF
ARE SUBJECT TO 3 NYCRR 7.250 - 254.
SAYD HEARING HAS A SEPERATE AND DISTINCT APPEAL
PROCESS THROUGH THE OFFICE OF THE DIRECTOR OF SHU,
TO WHICH PLAINTIFF FULLY EXHAUSTED, FINALLY FILING A
CPLR ARTICLE 78
APPEAL AND

2. If you did not file a grievance but informed any officials of your claim, state who you informed, when and how, and their response, if any:

DIRECTOR OF SPECIAL HOUSING UNITS; AFFIRMED THEN REVERSED
THEN AFFIRMED, THEN REVERSED PURSUANT TO THE NEW YORK

STATE SOLICITOR GENERAL MARCUS J. MASTRACCO, THEREIN VIOLATING AND SHOWING A DELIBERATE INDIFFERENCE TO PLAINTIFF'S RIGHT(S) TO MINIMUM PROCEDURAL DUE PROCESS, USCA CONST. AMEND. 14; RE: HO SANNH V. SPOSATO 16-EV-1045; 12-8-21 AT PG.30 & 31.

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

ALL ADMINISTRATIVE REMEDIES WERE EXHAUSTED.
SAYD REMEDIES WERE DETERMINED THAT DEFENDANT'S VIOLATED PLAINTIFF'S RIGHTS UNDER THE 8TH AMENDMENT - ILLEGAL AND WRONGFUL CONFINEMENT TO S.H.U. WHEREIN SUCH PLACEMENT IN FACILITIES SPECIAL HOUSING UNITS WERE DONE IN VIOLATION OF THE 14TH AMENDMENT OF THE U.S. CONSTITUTION, I.E.; DELIBERATE INDIFFERENCE TO PROCEDURAL DUE PROCESS.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). TO HOLD THE DEFENDANTS ACCOUNTABLE

FOR THEIR INTENTIONALLY VIOLATING MY RIGHTS TO DUE PROCESS;
WHEREIN THEY WILLFULLY ILLEGALLY AND WRONGFULLY CONFINED PLAINTIFF IN FACILITIES SPECIAL HOUSING UNITS.

THESE ACTS WERE COMMITTED BY DEFENDANT'S DESPITE THE FACTS THAT PLAINTIFF REPEATEDLY COMPLAINED TO THE DEFENDANTS THAT THE HEARINGS WERE BEING HELD IN VIOLATION OF THEIR OWN RULES ENUMERATED UNDER 5 NYCRR 72.50 - THRU 254.

PLAINTIFF IS SEEKING MONETARY JUDGMENT AND COMPENSATION IN THE AMOUNT OF ONE MILLION DOLLARS (\$1,000,000.00)
FOR THE 120 DAYS IN S.H.U. AS WELL AS FOR THE PAIN AND MENTAL LAMGUISH COMPLAINED OF HEREIN.

RE: DELIBERATE INDIFFERENCE TO PROCEDURAL DUE PROCESS
OUTLAW V. CITY OF HARTFORD, 884 F.3d 351, 367 (2nd Cir. 2018)
& USDC - SD.N.Y. HO SANNH V. SPOSATO 16 CV-1045 (12-8-21) AT
PAGES 30, 31 OF THE REPORT AND RECOMMENDATION (HON. LOCKE)

VI. Previous lawsuits:

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes No X

B. If you answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit: N/A

Plaintiff:

Defendants:

2. Court (if federal court, name the district; if state court, name the county): N/A

3. Docket or Index number: N/A

4. Name of Judge assigned to your case: N/A

5. Approximate date of filing lawsuit: N/A

6. Is the case still pending? Yes _____ No _____
If NO, give the approximate date of disposition N/A

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment
in your favor? Was the case appealed?)
N/A

C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?
Yes _____ No _____ N/A

D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If
there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using
the same format.)

1. 1. Parties to the previous lawsuit: N/A

Plaintiff _____ N/A

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) N/A

3. Docket or Index number N/A

4. Name of Judge assigned to your case N/A

5. Approximate date of filing lawsuit N/A

6. Is the case still pending? Yes _____ No N/A
If NO, give the approximate date of disposition N/A

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment
in your favor? Was the case appealed?) N/A

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 12/20, 2021

Signature of Plaintiff: 
Inmate Number: 93A1393
Institution Address: Sing Sing Correctional Facility
354 Hunter Street
Ossining, New York 10562

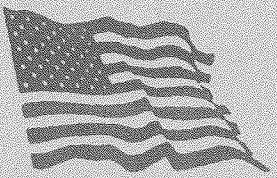
Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 12/20, 2021, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York, Daniel Patrick Moynihan U.S. Courthouse, 500 Pearl Street, New York, New York 10007-1312

Signature of Plaintiff: _____

Pedro Castillo #93A1393
Sing Sing Correctional Facility
354 Hunter street
Ossining, NY 10562

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CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
THE DANIEL PATRICK MOYNIHAN
US COURTHOUSE - 500 PEARL STREET
NEW YORK, NY 10007-1312